



MIRANDA SLONE SKLARIN VERVENIOTIS LLP

MICHAEL A. MIRANDA*
STEVEN VERVENIOTIS
ONDINE SLONE
RICHARD S. SKLARIN^o
MAURIZIO SAVOJARDO
ANDREW B. KAUFMAN[±]
LAWRENCE S. WASSERMAN*

*ALSO ADMITTED IN NEW JERSEY
±ALSO ADMITTED IN DISTRICT OF COLUMBIA
^o RESIDENT IN WESTCHESTER

WRITER'S E-MAIL:
SVERVENIOTIS@MSSSV.COM

WRITER'S DIRECT DIAL:
516-741-7676

THE ESPOSITO BUILDING
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
TEL (516) 741-7676
FAX (516) 741-9060

WWW.MSSSV.COM

BRANCH OFFICES:
WESTCHESTER, NY
NEW YORK, NY
WOODBIDGE, NJ

SENIOR COUNSEL
LOUISE FASANO
ABRAHAM WARMBRAND
LAURA ALTO
GABRIELLA CAMPIGLIA

ASSOCIATES
RICHARD B. EPSTEIN
CHRISTOPHER J. LAMPERT*
BRANDON H. DORMAN
MICHAEL R. SEIDON
ANDRÉ S. HAYNES
JOSHUA A. SCERBO^o

May 17, 2023

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Courtroom 11C South
Brooklyn, New York 11201

Re: Falls Lake v. Kalnitech Construction Corp. et. al.
Docket No: 1:22-cv-01473-KAM-PK
Our File No: 19-208

Dear Judge Kuo,

I represent the plaintiff, Falls Lake National Insurance Company ("Falls Lake"), in this action, and I write today, with consent of all parties in response to Your Honor's March 14, 2023 Order to file a joint status report by May 30, 2023 and to certify the closing of all discovery. In addition, Your Honor had Ordered that the parties complete court-annexed mediation by May 17, 2023 and that a joint status report be filed by May 22, 2023, and this will address same as well.

Based upon recent exchanges of supplement discovery with counsel and their representations that they have no other documents, as well as the depositions from the state court underlying action, which the parties agree to use as evidence in this case rather than repeating depositions, we are prepared to confirm to the Court that all party discovery indeed has been completed and that the parties will not require any experts in this matter. Specifically, the parties had previously exchanged discovery and Falls Lake made demands in this action for supplemental production from the defendants seeking all contract documents as wells as invoices, proposals, checks, pay stubs, receipts, and other documents relevant to the work in the Underlying Actions as we informed the Court on prior applications for extensions, and we have

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been assured by defense counsel that everything responsive to our demands has been produced. DAVS Partners LLC (“DAVS”) and Ask Electrical Contracting Corp. (“Ask Electrical”) produced several documents, including agreements between DAVS and Ask Electrical, an agreement between Kalnitech Construction Corp. (“Kalnitech”) and Ask Electrical, and an agreement between Ask Electrical and Jim Associates. Kalnitech, on the other hand, has represented that it is not in possession of any documents responsive to the demand but has not disputed the agreements produced by DAVS and Ask Electrical. Kalnitech also produced a copy of Kalnitech’s May 11, 2022 deposition transcript from the Underlying Action, and the parties have access from the public record as to the documents filed in the Underlying Action for use in this case rather than repeating that discovery here.

On that basis, we represent to the Court that the parties have now completed discovery, and while we were not in a position previously to proceed to mediation, we are ready to proceed with mediation and have made steps in that direction. Unfortunately, mediation was delayed as we focused on the exchange of documents, but we have agreed on a mediator and we are in the process of submitting the case to National Arbitration and Mediation to be mediated before mediator Richard Byrne. Mediation will involve counsel from both this declaratory judgment action and counsel from the underlying actions in order to resolve all lawsuits. We therefore now ask for an additional extension to complete mediation within the next 60 days, subject to everyone’s schedules, including the mediator’s schedule.

We propose to submit an additional joint status report to the Court upon the completion of mediation.

Very truly yours,

MIRANDA SLONE SKLARIN VERVENIOTIS LLP

s/Steven Verveniotis

Steven Verveniotis